

MINUTES OF BENTON COUNTY QUORUM COURT

March 29, 2012

A regular meeting of the Benton County Quorum Court was held on Thursday, March 29, 2012 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Robert D. Clinard called the meeting to order.

Deputy Clerk Janet Reaves called roll as follows:

13 JPs Present: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
*Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Prayer was led by Pastor Jeff Odom of Word of Life Fellowship Church.

CHANGES TO THE AGENDA:

County Judge Bob Clinard stated that under new business Item "A" the re-appointment of Cindy Jones to the Benton County Planning Board will be taken off of the agenda because she has been hired by the Benton County Road Department and can no longer hold that position.

MINUTES:

JP Allen made motion to approve the minutes of the February 23, 2012, Quorum Court meeting as distributed, seconded by JP Douglas.

Motion passed by unanimous voice vote.

ELECTED OFFICIALS' REPORTS:

Sheriff Keith Ferguson presented sample ordinances to establish a "pay for stay" program and inmate health care program.

COUNTY JUDGE'S REPORT:

County Judge Bob Clinard reported that: 1) The Benton County West Road Facility construction is still on schedule to finish in mid April, and that a County Town Hall meeting will be held at that facility on Monday, April 16, 2012 at 6:00 p.m.; 2) The Juvenile Justice center is complete and occupied; 3) They are continuing to coordinate and plan to move other county offices into

the vacated space and out of leased space; 4) The three new Freightliner dump trucks have been delivered and are in service; 5) The county Emergency Medical Services (EMS) study is in progress and he recognized Administrator of Public Safety Marshal Watson.

Marshal Watson reported that Ludwig L.L.C. Group doing the Emergency Medical Services (EMS) study will be in Bentonville next week conducting interviews with Fire Chiefs and Elected Officials as part of the Emergency Medical Services (EMS) study. He stated that a draft report will be provided to the Public Safety Committee to the Justices of the Peace to review, and that the final Emergency Medical Services (EMS) report should be finished by late April.

County Judge Bob Clinard stated that it had been brought to his attention that the county has a fiber optic line that runs through the Melissa Drive area that is not on the Arkansas One Call marking system. He stated that a locator wire for the fiber optic line was never registered with the state. He said that a complaint has been filed with the Prosecutor's Office about the inappropriate use of county equipment at the site on Melissa Drive in Bentonville, because of his brothers Construction Company was working in that area. He stated that he had authorized for a county-owned backhoe to do the digging in an attempt to locate the fiber-optic line, and that he made the decision to use the county equipment to avoid the risk of the line being cut. He added that the cable serves the jail and the new Juvenile Justice Center.

*JP Jones entered the room.

COMMITTEE REPORTS:

JP Winscott stated that a Public Safety Committee meeting would be called when the Emergency Medical Services (EMS) study draft by Ludwig L.L.C. Group has been received.

JP Douglas announced that a Transportation Committee meeting was to be held Thursday, April 5, 2012 at 6:00 p.m.

JP Allen stated that the Finance Committee met Tuesday, March 13, 2012 and discussed all of the items on tonight's agenda.

PUBLIC COMMENTS:

Cindy Bruce of Bentonville expressed her concerns about the work that had been done on Gooseberry Road.

JP J. Harrison made motion to read all resolutions and ordinances by title only, seconded by JP Winscott.

Motion passed by unanimous voice vote.

OLD BUSINESS:

- (A) Third and Final Reading of Proposed Ordinance to Address Vicious Dog Problems; Sponsor: JP Frank Winscott

County Attorney George Spence read the proposed ordinance by title only. JP Winscott made motion to approve the proposed ordinance, seconded by JP Jones.

County Attorney George Spence stated that the ordinance would be in effect in 30 days after passage.

There being further discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Ordinance duly adopted and assigned **No. O-2012-14**

NEW BUSINESS:

- (B) Proposed Resolution Authorizing the Application for a Grant and Acceptance of Funds Granted Through the Arkansas Department of Human Services;
Sponsor: JP Tom Allen

County Attorney George Spence read the proposed resolution by title only.

JP Allen made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Resolution duly adopted and assigned **No. R-2012-03.**

- (C) Proposed Resolution Granting a Waiver of the Policy as Established in Section 2 of the *Code of Ordinance of Benton County* Regarding Payment Within the Range and Hire-in-Rate for the Jail Physician in Department 67, Jail, Fund 010:
Sponsor: JP Tom Allen

County Attorney George Spence read the proposed resolution by title only.

JP Allen stated currently the County Jail is without a physician and this is to approve the hire in rate for the new physician.

JP Allen made motion to adopt, seconded by JP Carr.

Discussion was held on the jail physician's duties, being on call 24/7 and the number of patients seen by the physician a day.

There being no further discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Resolution duly adopted and assigned **No. R-2012-04.**

- (D) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O 2011-61 (2012 Benton County Budget) Appropriating Additional Monies And Authorizing Additional Expenditures in Department 67, Sheriff's Office, Fund 010: Sponsor; JP Tom Allen

County Attorney George Spence read the proposed resolution by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2012-15.**

- (E) Proposed Appropriation Ordinance Amending Certain Sections of Chapter 38 (FLOODS) of the *Code of Ordinances of Benton County* to update the Flood Damage Prevention Program for Benton County; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed ordinance by title only.

JP Allen made motion to adopt, seconded by JP Sandlin.

Discussion was held about the need for certified letters being sent to notify property owners of the update to the Flood Damage Prevention Program for the unincorporated areas of Benton County.

Administrator of General Services Elizabeth Bowen stated that the most of the cities chose to allow FEMA to send out their letters. She added that the county is in charge of the entire county for approving the maps as FEMA designates.

There being no further discussion, a roll call vote was recorded as follows:

11 yeas: Winscott, J. Harrison, Allen, K. Harrison, Jones,
Sandlin, Douglas, Blaty, Curry, Carr, Moore
2 nays: King, Hawkins

First reading passed.

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in **Various Funds and Departments**; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP J. Harrison.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2012-16.**

- (G) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) to Create a New Fund to be Named FY12 “National Association of County and City Health Officials Grant Fund” (NACCHO) and Numbered No. 241 in Department 30, Emergency Services, to Amend *Schedule 1-Revenues by Fund* to Increase Revenues, and to Appropriate Additional Monies and Authorize Additional Expenditures Therein;
Sponsor: JP. Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2012-17.**

- (H) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) Authorizing a Transfer Of Funds in Department 30, Emergency Services, State Homeland Security Grant FY 2010 SHSGP Grant, Fund 296; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

JP Douglas stated that this is a waste of money and that he could not support this.

Department of Emergency Director Robert McGowen recognized the Chief of the Rogers Fire Department Tom Jenkins. Tom Jenkins stated that he hoped that the only time that the structural collapse equipment will be used is in training and exercise. He stated should a high risk event happen, having this equipment is crucial for our ability to respond. He stated there is a lot of support for this equipment as a region and that we will be better prepared for response.

After lengthy discussion regarding the structural collapse equipment to be purchased by State Homeland Security Grant funds, and the ability to share the equipment with surrounding areas.

A roll call vote was then recorded as follows:

12 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Blaty, Curry, Carr, Moore
1 nay: Douglas

Appropriation Ordinance duly adopted and assigned **No. O-2012-18.**

- (I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) Authorizing a Transfer of Funds in Department 30, Emergency Services, State Homeland Security Grant FY 2010 LETPP Grant, Fund 297; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2012-19.**

- (J) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 30, Emergency Services, Fund 294; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2012-20.**

OTHER BUSINESS

Sheriff Keith Ferguson stated that he has changed his mind about having a commissary program at the jail, and that he had resisted the idea for years, but the success of other jails has changed his mind. Sheriff Ferguson briefed the court on the sample ordinances to establish plans to set up an inmate account system allowing the county to charge inmates for room and board at the jail, medical care, and also allow the inmates to buy items not routinely issued in the jail. Sheriff Ferguson said under the pay for stay concept, the courts would assess fees for inmates according to the length of their stay in the jail. He stated the proposed ordinance sets the daily cost per inmate at \$40 with a \$5 transportation cost for each prisoner brought to the jail. Sheriff Ferguson stated that under the commissary account system, inmates will be charged for medical services and that they can also buy some non-essential items and that the inmate and their families can put money into the accounts to cover the costs of the items.

Jail Captain Chris Sparks stated that Keefe Supply Company had been selected for the jail's commissary and explained how the commissary account would work in the jail. He stated that that he thinks that the benefits of the commissary program will be huge and that the program can also be used as a disciplinary tool. He added to take away their commissary privileges would be a big help with inmate discipline. He stated that the commissary program will help with the fees for an inmate to go to see a doctor.

Discussion was held on the advantages of having the commissary program and the benefits to the county.

County Judge Bob Clinard asked if the Arkansas Bidding Law would apply to this.

County Attorney George Spence stated that because there is no cost to the county, and this is not a commodity, bidding is not required, but that they could ask for proposals.

JP Allen stated that this ordinance request will need to go through the committee process.

JP Winscott made motion to send the proposed Pay for Stay and Inmate Health Care ordinance request's to the Finance Committee meeting, April 3, 2012 and prior to the Finance Committee Meeting that County Attorney George Spence review the ordinances, seconded by JP J. Harrison.

Motion passed by unanimous voice vote.

ANNOUNCEMENTS

JP Allen announced that a Finance Committee meeting will be held April 3, 2012 at 5:30 p.m.

County Judge Bob Clinard announced that a County Town Hall meeting will be held at April 16, 2012 at 6:00 p.m. at the Decatur, Westside Road Facility.

JP Douglas announced that a Transportation Committee meeting will be held April 5, 2012 at 6:00 p.m.

JP Moore announced that a Committee of Thirteen meeting will be held April 10, 2012 at 6:00 p.m.

ADJOURNMENT

There being no further business to come before the court, upon motion and second, the meeting adjourned at 7:46 p.m.

Respectfully submitted,

Tena O'Brien
County Clerk

Prepared by: Janet Reaves